

# ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: CDBG 21-21-20  
PROJECT NAME: Lots Gap Water Tank Development Project

**THIS PAGE INTENTIONALLY LEFT BLANK**

# PART 1

**THIS PAGE INTENTIONALLY LEFT BLANK**

## Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related Federal Laws and Authorities

(Must be completed for each individual addressed included under overall project description)

Use this worksheet for projects that are Categorically Excluded Subject to 24 CFR §58.5 listed at 24 CFR §58.35(a) and for projects that require an Environmental Assessment.

Project Name:       Lots Gap Water Tank Development Project      

ERR FILE #       CDBG 21-21-20      

**Definitions:** **A:** The project is in compliance.

**B:** The project requires an additional compliance step or action.

Statute, Authority, Executive Order Cited at 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
1. 58.5(a) Historic Properties [36 CFR 800]	X		No historic properties affected	See attached letter from DHR and the Delaware Nation
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]	X		Project is not located in a floodplain	FEMA maps attached
3. 58.5(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]	X		Project is not located in a wetlands area	See attached letter from VMRC
4. 58.5(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	X		Project is not located on the coast	See attached map
5. 58.5(d) Sole Source Aquifers [40 CFR 149]	X		No sole source aquifers affected	EPA map attached
6. 58.5(e) Endangered Species [50 CFR 402]		X	No endangered species affected. Adhere to timelines for bats	See attached letter from FWS
7. 58.5(f) Wild and Scenic Rivers [36 CFR 297]	X		There are no wild and scenic rivers in Virginia	See attached Rivers.gov map
8. 58.5(g) Air Quality [40 CFR parts 6, 51, 61, 93]	X		No adverse effects to air quality	See attached letter from DEQ
9. 58.5(h) Farmland Protection [7 CFR 658]	X		Project will not affect farmland	See attached letter from the Dept. of Agriculture & Consumer Svcs.
10. 58.5(i)(1) Noise Control and Abatement [24 CFR 51B]	X		The project is not located in a nonattainment area	EPA Green Book report attached
11. 58.5 (i) (1) Explosive and Flammable Operations [24 CFR 51C]	X		Any storage tanks are an acceptable distance from the project area.	No storage tanks within the project area
12. 58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]	X		There are no military or other airports within 15,000 feet of the project area.	No airport is located within 15,000 feet of the project area
13. 58.5(i)(2)(i-iv) Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	X		No toxic substances located in the project area.	See attached letter from DEQ
14. 58.5(j) Environmental Justice [Executive Order 12898]	X		Project is not located in a predominately minority area	Project is not located within a LMI neighborhood.

**DETERMINATION:**

- Box "A" has been checked for all authorities.** For Categorical Excluded actions pursuant to §58.35(a) [Does not apply to EA or EIS level of review which can never convert to Exempt], the project can convert to Exempt, per §58.34(a) (12), since the project does not require any compliance measures (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and a **contract may be issued by DHCD; OR**
- Box "B" has been checked for one or more authority.** For Categorical Excluded actions pursuant to §58.35(a), the project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. **Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and wait for DHCD to issue a formal contract before committing funds; OR**
- This project is not a Categorical Excluded action pursuant to §58.35(a), or may result in a significant environmental impact to the environment, and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

**MITIGATION MEASURES AND CONDITIONS FOR PROJECT APPROVAL:** *(If Box B is checked, provide details regarding further consultation, mitigation, permit requirements or approvals required to be incorporated into public notices and project requirements such as contracts, grants, loan conditions, etc. as described in the Statutory Worksheet). Ensure required measures are included in 7015.15 Project Description Section.*

**PREPARER:**


  
Preparer's Signature

9/7/2022  
Date

Angela Wolfe  
Preparer's Name (printed)

Regional Planner  
Title (printed)

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

  
Authorized Responsible Entity Signature

9/8/2022  
Date

Stephen Bear  
Authorized Responsible Entity Name (printed)

County Administrator  
Title (printed)

**Summary of Mitigation Measures:**

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etcetera? Ensure final measures are included in Project Description Section of 7015.15)

Archaeological survey – no artifacts found

**References:**

(List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project)

DHR, FEMA, US Fish and Wildlife Services, IPac Trust Report, EPA, ATSDR.

**List of Major Reports Obtained:**

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments)

Reports attached

**18. List of Preparers and Summary of Qualifications:**

Angela Wolfe, Regional Planner, Mount Rogers Planning District Commission

Wesley “Derek” Johnson, Staff Engineering Technician, The Thrasher Group

THIS PAGE INTENTIONALLY LEFT BLANK



**PART 2**

THIS PAGE INTENTIONALLY LEFT BLANK

Environmental Assessment  
Determinations and Compliance Findings for HUD-assisted Projects  
24 CFR Part 58

Project Information

Project Name: Lots Gap Water Tank Development Project

Responsible Entity: Wythe County

**Grant Recipient** (if different than Responsible Entity):

State/Local Identifier:

Preparer: Wesley "Derek" Johnson/Angela Wolfe

Certifying Officer Name and Title: Stephen Bear, County Administrator

**Grant Recipient** (if different than Responsible Entity):

**Consultant** (if applicable):

Direct Comments to: Angela Wolfe  
Mount Rogers Planning District Commission  
1021 Terrace Drive  
Marion, VA 24354  
(276) 783-5103  
awolfe@mrpdc.org

**Project Location:** The project is located in the Lots Gap area of Wythe County, which is situated east of the Town of Wytheville adjacent to the I-77/I-81 corridor. It travels along Wythe County Rte. 634 from its intersection with Wythe County Rte. 633 to the height of Lots Gap.

**Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Construction of an off-site 2 million gallon water tank and associated site work, valves, and lines.

**Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]:

Approximately 200 jobs will be created, at least 51% of which will be made available to/held by low-to-moderate (LMI) persons.

**Existing Conditions and Trends** [24 CFR 58.40(a)]:

Wythe County, Wytheville, and Carroll County make up the New River Water Authority. Current system storage capacity only allows a narrow margin of fluctuation between water supply intake and system demands. This limitation affects the future of potential area development. The fast growth of industry in Progress Park has put a large demand on water usage.

**Funding Information**

Grant Number	HUD Program	Funding Amount
CDBG #21-21-20	DHCD	\$2,500,000.00

**Estimated Total HUD Funded Amount:**

**Estimated Total Project Cost (HUD and non-HUD funds)** [24 CFR 58.32(d)]: \$4,595,400.00

## Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
Airport Hazards 24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located within 15,000 feet of an airport.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located on/near the coast.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located within a 100 year floodplain. See attached FEMA maps.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	No air quality issues present in the project area.
Coastal Zone Management Coastal Zone Management	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located on/near the coast.

Act, sections 307(c) & (d)		
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No hazard facilities in the project area.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Adhere to time of year restrictions for tree clearing activities for the Indiana Bat.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No hazard facilities in the project area.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No farmlands in the project area.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Project area is not located in a floodplain.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Archaeological survey was completed for DHR and the Delaware Nation. No artifacts were discovered.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There will be temporary noise associated with construction.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No Sole Source Aquifers in the area.
Wetlands Protection	Yes No	No wetlands located in the project area.

Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> <input checked="" type="checkbox"/>	
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No Wild and Scenic Rivers in the area.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The area and the County will benefit from the additional system storage capacity and allowed future economic development.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	There could be minor improvements due to construction measures to prevent any erosion/drainage/storm water runoff.
Hazards and Nuisances including Site Safety and Noise	2	Some nuisances and roped off areas will occur due to construction.
Energy Consumption	2	Electricity may be used by construction crews during construction.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	1	200+ employees are to be hired within a year and 2400+ new employees over five years.
Demographic Character Changes, Displacement	1	Potential demographic diversity due to new jobs created.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	No educational/cultural facilities within the project area.
Commercial	1	New industry planned in Progress Park. This allow for



Facilities		additional new industry growth as well.
Health Care and Social Services	2	No healthcare facilities within the project area.
Solid Waste Disposal / Recycling	2	No solid waste facilities will be affected.
Waste Water / Sanitary Sewers	2	No waste water facilities will be affected.
Water Supply	1	Water supply/storage will be increased
Public Safety - Police, Fire and Emergency Medical	2	Project will not affect police, fire, or emergency personnel.
Parks, Open Space and Recreation	2	No parks, open space, or recreational facilities in the project area.
Transportation and Accessibility	2	Project will not affect transportation and accessibility

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	Construction of the water tank will minimally affect the natural features.
Vegetation, Wildlife	3	Clearing of trees for construction will require project to adhere to timelines for bats.
Other Factors		

Additional Studies Performed:

**Field Inspection** (Date and completed by):

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

List of Permits Obtained:

**Public Outreach** [24 CFR 50.23 & 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

**Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)]: No action alternative would leave the area will minimal water storage and an inability to attract new businesses to the area.

**Summary of Findings and Conclusions:** From an environmental position, the No Action alternative would have the least effect on the environment, however this would leave the area with a need for increased water capacity and an inability to attract new businesses due to the lack of water supply.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Historic Resources	An archaeological survey is required. See attached.
USFWS	Adhere to time of year restrictions for tree clearing activities for the Indiana Bat.

Determination:

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

Preparer Signature: Angela Wolfe Date: 9/7/2022

Name/Title/Organization: Angela Wolfe, Regional Planner, Mount Rogers Planning District Commission

Certifying Officer Signature: Steph O Be Date: 9/8/2022

Name/Title: Stephen Bear, County Administrator

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

